

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTOINE A. LEACH,

Plaintiff,

v.

SGT JACK RICHARDSON, CUS
DON DESHAZER, SUSAN CROWE
and JESSICA HOLWAY,

Defendants.

NO: 4:21-CV-5137-TOR

ORDER DISMISSING ACTION
WITHOUT PREJUDICE

By Order filed November 8, 2021, the Court instructed Plaintiff to comply with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a civil action without prepayment of the filing fee to submit a certified copy of his trust fund account statement (or institutional equivalent) for the six months immediately preceding the filing of the complaint. ECF No. 7. Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro se*. Defendants have not been served.

1 In the alternative, Plaintiff could have paid the \$402.00 filing fee to commence
2 this action under 28 U.S.C. § 1914. ECF No 7 at 2. The Court cautioned Plaintiff
3 that his failure to timely provide the documents necessary to proceed *in forma*
4 *pauperis* **or** payment of the filing fee would result in the dismissal of this case. *Id.*
5 at 3.


6 Plaintiff did not comply with the Court's directive and has filed nothing
7 further in this action. The Court concludes that Plaintiff has chosen to abandon this
8 litigation.

9 Therefore, **IT IS ORDERED** this action is **DISMISSED without prejudice**
10 for failure to comply with the filing fee or *in forma pauperis* requirements.

11 The Clerk's Office is directed to enter this Order, enter judgment of dismissal
12 without prejudice, provide a copy to Plaintiff and **CLOSE** the file. The Court
13 certifies any appeal of this dismissal would not be taken in good faith.

14 **DATED** December 9, 2021.




THOMAS O. RICE
United States District Judge